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DELIVERED ON THE

PUBLIC SQUARE AT NEW HAVEN,

AT

THE REQUEST OF ITS CITIZENS,

JULY 4, 1851,

BY

HIRAM KETCHUM, ESQ.



NEW HAVEN:

THOMAS J. STAFFORD, PRINTER.

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NEW HAVEN, June 11th, 1851.

HIRAM KETCHUM, Esq.

DEAR SIR,—

The undersigned have been appointed a Committee to procure an Orator to address the people of New Haven on the 4th of July. Among several distinguished names, yours has been particularly mentioned, and the Committee have agreed to invite you to accept of the appointment.

On an ordinary occasion of this kind, we should hardly expect to obtain a gentleman of your distinction in a laborious and absorbing profession. But our people seem determined to make an unusual demonstration, and we think it a rare opportunity, in the present state of the public mind on great national questions, to make a salutary and enduring impression in regard to our great duties to the Union, the Constitution, and the Laws.

We hope you will take the subject into consideration, on the score of patriotic duty, and be able to give us a favorable answer.

Respectfully Yours,

A. N. SKINNER,  
JONATHAN STODDARD, } *Committee.*  
CHAS. ATWATER, JUN. }

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NEW YORK, June 13th, 1851.

GENTLEMEN,—

I received yesterday your letter of the 11th inst. inviting me, on behalf of a Committee appointed by the Citizens of New Haven, to address the people of that City on the 4th of July ensuing.

I accept the invitation. This is the first time I have ever consented to deliver a 4th of July Oration, and it ill suits my convenience to do it now; but the time has come, in my judgment, when every Republican in the land ought profoundly to consider the duties of an American citizen, and if he has anything to say, to communicate it when a fitting occasion presents. There can be no occasion more fitting for this purpose than the celebration of the day when the independence of our country was declared.

If there be any place where I should feel a diffidence in expressing my views on public topics, it would be in New Haven, whose inhabitants are known to possess unusual intelligence, and whose learned institutions are filled with scholars and philosophers of a world-wide reputation; still I shall do the best my circumstances allow.

I have the honor to be, very respectfully,

Your obedient servant and fellow citizen,

HIRAM KETCHUM.

A. N. SKINNER, JNO. STODDARD, CHAS. ATWATER, JUN.

NEW HAVEN, July 5th, 1851.

HIRAM KETCHUM, Esq.

DEAR SIR,—

The assemblage that heard your address on the 4th. on the Public Square in New Haven, expressed their desire to see it in print, by a unanimous vote.

Acting in their behalf, we thank you for your sound, able, and eloquent argument, and request a copy for publication.

With great regard, we are,

Respectfully Yours,

A. N. SKINNER,  
HENRY DUTTON,  
JONATHAN STODDARD, } *Committee.*

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NEW YORK, July 11th, 1851.

GENTLEMEN,—

I have the honor to acknowledge the receipt of your favor of the 5th instant, requesting, on behalf of the assemblage who heard my remarks on the Public Square in New Haven, the day preceding, a copy of them for publication.

By the aid furnished by your faithful reporter of those remarks, and my own notes, I am enabled to comply with your request, substantially, and do so with great pleasure. My own convictions of right and duty, in respect to the great question of the day, are very clear; and I desire, above all things, to have no misunderstandings with that class of the community with whom I usually act.

Will you allow me, gentlemen, to tender to you, and through you, the citizens of New Haven, my thanks for the great civilities and kindness extended to me on my recent visit to that city.

I have the honor to be, very respectfully,

Your friend and fellow citizen,

HIRAM KETCHUM.

A. N. SKINNER, HENRY DUTTON, and JONATHAN STODDARD, Esqs.

## ORATION, &c.

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PRAYER having been offered by the Rev. Mr. NORRIS, and the *Declaration of Independence* read by the Hon. CHARLES H. POND, recently Lieutenant Governor of Connecticut, His Honor, AARON N. SKINNER, Mayor of the City of New Haven, introduced the Orator of the day to the large audience, which, notwithstanding the falling rain, had gathered upon the Northern portico and steps of the State House, and upon the gentle hill-side below, as follows :—

FELLOW CITIZENS : I have the honor to introduce to you the Hon. HIRAM KETCHUM of New York, who has consented, at your invitation, through your Committee, to come here on this occasion, at much private inconvenience, from a sense of duty and love of country, to address you on interesting subjects connected with this hallowed day. I need not ask of you for him, your most respectful attention.

Mr. KETCHUM then came forward, and after the applause with which he was enthusiastically greeted had subsided, remarked :

FELLOW CITIZENS :

It is seventy-five years to day, three quarters of a century, since the United States of America declared themselves independent, and claimed admission into the Family of Nations. I shall take occasion, in my remarks to-day, to notice some of the consequences which have resulted from this great transaction ; but at present, I shall revert to one only.

The declaration of national independence has had a tendency to beget and foster a strong and decided feeling of personal independence. The right of private judgment is here recognized ; every man feels that he has an interest in the government, and that he is entitled to a voice in the administration, preservation, and, if needs be, the alteration of that government. The American mind too, has cast off many, perhaps too many, restraints ; it investigates boldly ; it is unwilling to submit to mere authority ; it demands a reason for every rule of

action prescribed for its government ; it does not say even to the law of the land, " what thou bidst *unargued* I obey, so God ordains ;" but it claims the right to question, to argue, and to investigate.

I cannot better illustrate my meaning, than by describing the actual state of feeling now prevalent in this country. Something more than sixty years ago, the federal Union was formed by the adoption of the present Constitution. Since that time, and as the result of the Union, the advancement and prosperity of the people of this country have been unparalleled. Our numbers and resources have increased almost beyond computation. Besides the multiplication of our own native inhabitants, thousands and hundreds of thousands have sought our shores from the continent of Europe, and found here prosperous and happy homes. Now we have extended ourselves to the Pacific, and the genius of American liberty, standing on the shore of that mighty ocean, invites the down trodden millions of Asia to partake the fruits of our liberty. At this time, when our mission of beneficence to the whole human race is just exhibiting its most valuable triumphs, there are many persons in this country who question the utility of the Union, and indeed denounce it as the enemy of liberty. There are those here, both at the North and South, who would destroy this Union. Under these circumstances, what shall the friends of the Union do ? There are those among us at the North, themselves professing to be friends of the Union, who say—*do nothing*. Are these persons sincere ? Let us see.

In the year 1830, the State of South Carolina being dissatisfied with some of the revenue laws, designed for the protection, incidentally or otherwise, of American manufactures, claimed a right to nullify an act of Congress, and thus dissolve the Union. This right to nullify was asserted and advocated with great plausibility, on the floor of the Senate, but it was met by a distinguished Senator from Massachusetts, DANIEL WEBSTER, who, by one of those intellectual efforts, which characterize the age, overthrew the heresy, and held it up to the contempt of the country. What was the result of this effort, in its operation upon Mr. Webster himself ? Was he told that his labor

was unnecessary—that the nullifiers were not worth attention? Oh no! far otherwise. All through the Northern States, certainly, he was lauded to the skies, by many of those too, who now pretend that the seceders and higher law gentlemen are not worthy of notice. Daniel Webster was then, and for his great effort in defense of the Union, hailed as THE DEFENDER OF THE CONSTITUTION. But when in the year of our Lord 1850, twenty years subsequent, true to the character which he had established, and the title he had received, he deemed it his duty to say to the people of the free States, that they were not faithful to the Constitution; then it was quite a different matter—then he was told, “Mr. Defender of the Constitution, this is more than we bargained for. (Laughter.) We meant that you should expose and denounce the South when it attempted to violate the Constitution; but we regard you as a Northern man; we do not authorize you to censure, much less to rebuke—oh no! If you presume to put yourself in opposition to us, we shall brand you a traitor and a dough face.”

We have men at the North, who openly avow their intention not to obey the law of the land; we have men at the South, who are endeavoring to secede from the Union. Now the question is—what is our duty, who believe that the preservation of this Union is essential to the very existence of liberty? Shall we be silent? Shall we be dumb when sounds of dissolution fill the air? Far otherwise. Our liberty, as well as our religion, rest upon certain great fundamental principles, and our only security is—when these principles are assailed—to defend them. We must resist the beginning of opposition, the very first assaults upon that which we hold valuable beyond all estimation. We must keep our armor on, and be ready to contend for the faith which is within us, and the principles which we hold invaluable, at all times and on all occasions. (Enthusiastic cheers.)

[The Mayor here requested the audience to close their umbrellas, remarking that they had been paying the orator a great compliment, having been so interested in his discourse that they had not observed that it had stopped raining.]

Fellow citizens, we shall have to commune together a little

while, and if you will give your patience, I will give my voice any how. (Laughter.)

The time has come when it is necessary that the foundations of those institutions which furnish securities to American liberty, should be reëxamined; should be tested again by reason and argument, and, for one, I am not afraid of such investigation, believing that after it is made in the most thorough manner, we shall only regard and cherish our institutions, and especially our Union, more than we ever did before.

Let us then go back to the very beginning of our government. What right had the people of the thirteen colonies to raise the standard of revolution, and cast off the government under which they were born, and to which many of them had sworn allegiance? This was a question which our fathers long and anxiously considered. They were a Christian people, who recognized civil government as an ordinance of God, which they were bound to obey, not only for the fear of the penalties denounced against disobedience, but for conscience sake; because obedience had been enjoined by God himself. But at the same time that they regarded government as a divine ordinance, they had been well instructed in the principles of English liberty, and they knew that there were bounds, which the government itself could not lawfully transgress, and they knew too that the right existed in the governed to change their form of government. This had been exemplified in the history of the mother country. They knew that the right to hold and enjoy, and dispose of private property, was one which no government could rightfully violate—their property could not be taken from them without their consent; and because the British government insisted on the right to take it when the colonists had no voice in that government, they rebelled. But even when they knew they were the subjects of oppression and injustice, they did not forcibly resist until they had well considered and favorably decided these two questions:—1. Can we succeed? 2. Will success enure, upon the whole, to the benefit of the people? If, in a calm, dispassionate view of the case, these questions could not be answered in the affirmative, the right of resistance did not exist, it had not accrued. Hence our forefathers pro-



ceeded with great caution and circumspection ; they were not fanatics, but were sagacious and far-seeing ; they hastened slowly and bided their time. They remonstrated humbly and earnestly—they resisted in the first instance, on the ground that they could rightfully do so, according to the principles of the British Constitution. They again remonstrated ; the Representatives in Congress appealed to the people. Will you allow me to read a short address from Congress to the people, made at that time—on the 28th day of April, A. D. 1775 ?

“ We conjure you, by all that is dear, by all that is sacred, that you give all assistance possible in forming the army. Our all is at stake. Death and devastation are the certain consequences of delay. Every moment is infinitely precious. An hour lost may deluge your country in blood, and entail perpetual slavery upon the few of your posterity which may survive the carnage. We beg and entreat as you will answer it to your country, to your conscience, and above all, as you will answer it to God himself, that you will hasten and encourage, by all possible means, the enlistment of men to form the army ; and send them forward to head-quarters at Cambridge, with that expedition which the vast importance and instant urgency of the affair demand.”

What says the faithful historian ? “ This address was attended to ; the men discovered a readiness to turn out for the salvation of their country, and the women applied themselves with cheerfulness to the fitting out of their husbands, fathers, and brothers, for the important expedition, while the dangers of it were overlooked or disregarded.”

This address was thus received by the American people, and when it was ascertained by the Continental Congress that the spirit of the people was right, that the men were ready to die for liberty, and the women—God bless them—to give up their fathers, husbands, brothers, and sons, to fight the battles of their country, regardless of all consequences—when they discovered this—when they found that they had strength to carry out their designs, then, and not till then, did they put forth that Declaration—to the reading of which you have just attended—and bravely did they maintain it. Suppose they had failed—suppose they had been overcome—don't you see that glorious Declaration would have been nothing but a laughing stock ? We are in the habit very much of commending this Declaration. It was drawn up by a Commit-

tee of Congress—Jefferson himself was the actual instrumentality ; but there is nothing novel in the Declaration of Independence. Why, our fathers were perfectly familiar with the principles which it contains. They are beautifully put together, but these principles themselves were as familiar as household words. Farmers discussed them ; mechanics discussed them ; professional men discussed them ; the clergy—God bless them—discussed them from the pulpit. The question whether the time had come to revolt from the government under which they were born, was anxiously discussed, and by none more than New England and the men of New England. The question was carried by them, where all important questions should be carried—they consulted the BEING unto whom all hearts are open ; and they decided, the pulpit decided, religious men decided, that it was right—that it was just—and, by the blessing of Almighty God, they would be free ! And that declaration was maintained, until at length the time arrived when the enemy was driven from our shores. The British government acknowledged the independence which we ourselves had declared ; but, my fellow citizens, mark it—mark it ! this was but the beginning of the contest. Now the great question arose, how shall we preserve the liberty which has been acquired ? That was the question which disturbed all minds at this time ; and, if you will allow me—I know it is somewhat unpleasant to hear the reading of extracts—I will read a few extracts from Washington, indicating the feeling which pervaded the country at that time. WASHINGTON ! whose image is here, [pointing to a large marble bust of “the Father of his Country” near him on the platform, which was followed by loud applause,] and I will give you his inscription. We are not at liberty to make to ourselves graven images and worship them, but we are at liberty to cherish in our heart of hearts, the principles entertained by such men as Washington, (cheers,) and I hope will cherish them ; I hope you will listen to them with a reverence only second to divine inspiration ; I hope you will not only listen, but teach the lessons of wisdom to your children and children’s children. The first extract I will read you, is contained in a letter from Washington to Hamilton, under date of March 4th, 1783.



"For it is clearly my opinion, unless Congress have powers competent to all general purposes, that the distresses we have incurred, and the blood we have spilt, will avail us nothing."

The second is from a letter from the same, to the same, dated March 31, 1783.

"No man in the United States is or can be more deeply impressed with the necessity of a reform in our confederation, than myself. No man perhaps has felt the bad effects of it more sensibly ; for to the defects thereof and want of power in Congress, may be justly ascribed the prolongation of the war, and consequently, the expenses occasioned by it."

He wrote to La Fayette about the same time, April 5, 1783.

"We are now an independent people, and have yet to learn political tactics. We are placed among the nations of the earth, and have a character to establish ; but how we shall acquit ourselves, time must discover.

"To avert these evils, to form a new constitution, that will give consistency, stability, and dignity to the Union, and sufficient powers to the great council of the nation for general purposes, is a duty incumbent upon every man who wishes well to his country, and will meet every aid, as far as it can be rendered in the private walks of life."

But on taking leave of the army, June 8th, 1783, when Washington thought he was taking leave of public life forever ; and, let me say, Washington was then only fifty-one years of age, yet he was very anxious to get out of public life ; but, with the greatest deference, let me say, he had no right to retire at fifty-one ; so his countrymen thought, and they kept him at work. (Merriment.) When about retiring, he addressed what he thought was his last official act, to the governors of the respective States. Will you allow me to read a few extracts from this address, dated June 8th, 1783 ?

"For, according to the system of policy the States shall adopt at this moment, they will stand or fall ; and by their confirmation or lapse it is yet to be decided, whether the revolution must ultimately be considered a blessing or a curse : a blessing or a curse, not to the present age alone, for with our fate will the destiny of unborn millions be involved.

"There are four things, which, I humbly conceive, are essential to the well being, I may even venture to say, to the existence of the United States, as an independent power :

*First.*—An indissoluble union of the States under one federal head.

*Second.*—A sacred regard to public justice.

*Third.*—The adoption of a proper peace establishment.

*Fourth.*—The prevalence of that pacific and friendly disposition among the peo-

ple of the United States, which will induce them to forget their local prejudices and policies; to make those mutual concessions which are requisite to the general prosperity; and, in some instances, to sacrifice their individual advantages to the interests of the community."—*Washington's circu'ar to the State Governors on disbanding the army.*

Washington to James McHenry, in Congress, August 22, 1785.

"I confess to you candidly, that I can foresee no evil greater than disunion; than those unreasonable jealousies, (I say *unreasonable*, because I would, I have a *proper* jealousy always awake, and the United States on the watch to prevent individual States from infracting the Constitution with impunity,) which are continually poisoning our minds and filling them with imaginary evils for the prevention of real ones."

To James Madison, November 5, 1786.

"Fain would I hope, that the greatest and most important of all subjects, *the federal Government*, may be considered with that calm and deliberate attention which the magnitude of it so critically and loudly calls for. Let prejudices, unreasonable jealousies, and local interests, yield to reason and liberality. Let us look to our national character, and to things beyond the present moment. No morn ever dawned more favorably than ours did—and no day was ever more clouded than the present. Wisdom and good examples are necessary at this time to rescue the political machine from the impending storm."

Again, November 5, 1786.

"How melancholy is the reflection, that in so short a time we should have made such large strides towards fulfilling the predictions of our transatlantic foes! 'Leave them to themselves, and their government will soon dissolve.' Will not the wise and good strive hard to avert this evil? Or will their supineness suffer ignorance, and the arts of self-interested, designing, disaffected, and desperate characters, to involve this great country in wretchedness and contempt?"

"Thirteen Sovereignties pulling against each other, and all tugging at the Federal head, will soon bring ruin on the whole."

To David Stewart, July 1, 1787.

"Weak at home and disregarded abroad is our present condition, and contemptible enough it is."

Now, my friends, you see that from the time peace was declared, up to the time of the formation of the new Constitution, Washington feared, constantly feared, we were about to lose all we had gained by the Revolution; that for the want of a good government, our union would be a mere rope of sand; that for the want of a federal government which should unite

us under one head, we were about to lose every thing; that we were about to fall to pieces and realize the predictions of our transatlantic foes. His constant aim was to get the people to frame a more perfect union.

A Convention met in September, 1786, at Annapolis, for the purpose of taking measures with respect to trade. Very few States were represented; Connecticut 'not at all; there was not, I believe, a delegate from any of the New England States. The Convention did nothing but recommend that a Convention should be called with fuller powers, and represent all the States. It was called; it contained representatives from all the States. The Convention met in May, 1787, and continued until September. From May to September they were deliberating all the time and preparing the Constitution under which we all live. You know that Washington was at the head—that Washington was its President—the ablest man of any age or country. Franklin was also a member, and Hamilton, and Madison, and Sherman of this State, and Ellsworth, and a host of other worthies. They labored with untiring zeal. They did not make speeches as members of Congress now do, to be reported and read by their constituents; [laughter,] but they labored for results. Their speeches were not published till long afterwards, when they were brought out by Mr. Madison. It is important we should fully understand the character of the Convention, in order to appreciate the Constitution which was the work of their hands. Will you allow me to read a speech, which is the best almost ever made by any man. It is a speech by Dr. Franklin; no doubt many of you have read it before; but I doubt not it will be refreshing to hear it again. He was at the time of its delivery, eighty years old, and he had never forgotten a good thing which had occurred in the course of a long experience. You know his history. He remarked—

“Mr. President, the small progress that we have made after four or five weeks' close attendance and continual reasonings with each other—our different sentiments on almost every question, several of the last producing as many noes as ayes—is, methinks, a melancholy proof of the imperfection of the human understanding. We, indeed, seem to feel our own want of political wisdom, since we have been running about in search of it. We have gone back to ancient history for models of government, and examined the different forms of those republics which, having been

formed with the seeds of their own dissolution, now no longer exist. And we have viewed modern States, all around Europe, but find none of their constitutions suitable to our circumstances.

"In the situation of this Assembly, groping as it were in the dark to find political truth, and scarce able to distinguish it when presented to us, how has it happened, sir, that we have not hitherto once thought of humbly applying to the Father of lights, to illumine our understandings? In the beginning of the contest with Great Britain, when we were sensible of danger, we had daily prayer in this room for the Divine protection. Our prayers, sir, were heard, and they were graciously answered. All of us who were engaged in the struggle, must have observed frequent instances of a superintending Providence in our favor. To that kind Providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful Friend? Or do we imagine that we no longer need His assistance? I have lived, sir, a long time, and the longer I live, I see more convincing proofs of this truth—that *God governs in the affairs of men*. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? We have been assured, sir, in the sacred writings, that 'except the Lord build the house, they labor in vain that build it.' I firmly believe this; and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel. We shall be divided by our little partial, local interests; our projects will be confounded; and we ourselves shall become a reproach and by-word down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing governments by human wisdom, and leave it to chance, war, and conquest.

"I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business, and that one or more of the clergy in this city be requested to officiate in that service.

"Mr. Sherman seconded the motion."

The Convention succeeded in presenting a form of Constitution. It was reported to Congress. Congress submitted it to the States; the States were to call conventions and ratify or not the Constitution, as they chose. You know the history; these States had conventions, and in these conventions were the ablest men of the day. They deliberated upon every article and upon every clause in the Constitution, and after weeks and months of anxious deliberation, they at last adopted the form of government under which we now live. Now, will you allow me to trouble you with one or two more extracts from Washington, written after this work was done? He writes—

*To Patrick Henry, afterwards Governor of Virginia, Sept. 24, 1787.*

"I wish the Constitution, which is offered, had been more perfect; but I sincerely believe it is the best that could be obtained at this time.

"From a variety of concurring accounts it appears to me, that the political concerns of this country are in a manner suspended by a thread, and that the convention has been looked up to, by the reflecting part of the community, with a solicitude which is hardly to be conceived; and, if nothing had been agreed upon by that body, quarreling would have ensued, the seeds being deeply sown in every soil."

*To Edmund Randolph, Governor of Virginia, Jan. 8, 1778.*

"There are some things in the new form, I will readily acknowledge, which never did, and I am persuaded never will, obtain my cordial approbation; but I did then conceive, and do now most firmly believe, that in the aggregate it is the best Constitution that can be obtained at this epoch, and that this or a dissolution of the Union awaits our choice, and is the only alternative before us."

*To Benjamin Lincoln, June 29, 1788.*

"Mr. Henry, the great leader of it, [the opposition,] has signified, that, though he can never be reconciled to the Constitution in its present form, and shall give it every constitutional opposition in his power, yet he will submit to it peaceably, as he thinks every good citizen ought to do when it is in exercise, and that he will, both by precept and example, inculcate this doctrine on all around him."

*To Gov. Trumbull, July 20, 1788.*

"We may, with a kind of pious and grateful exultation, trace the Providence through those dark and mysterious events, which first induced the States to appoint a general convention, and then led them, one after another, by such steps as were best calculated to effect the object, into an adoption of the system recommended by that general convention; thereby in all human probability laying a lasting foundation for tranquillity and happiness, where we had but too much reason to fear that confusion and misery were coming rapidly upon us."

Now, then, you see the Constitution was adopted. You see how Washington speaks of it. Yet the Constitution had its opponents; it had its opponents in the convention at Philadelphia; it had its opponents among respectable men, and Patrick Henry was one of these respectable men; it had its opponents among those outside of the convention—but a majority adopted it. Now I put this question to you—would it have been right for these opponents of this Constitution at that time, the moment it was adopted, to bring forward before the people agitating topics and keep the community in perfect turmoil upon points that had been settled? I put it to you. Patrick Henry opposed it, George Clinton, Governor of New York, opposed the Constitution. The Constitution provided for alterations and amendments. A perfect legal right existed in every man; but was it the part of patriotism, when the country had been agitated week after week, and month after month, to bring up these subjects



of excitement—and one of the principal subjects was the question of slavery? Why, no, said Patrick Henry, I will give the Constitution a fair trial; I was opposed to it, but I will give it a fair trial—and every patriotic man in the country deemed it his duty to forbear his right to agitate, and to submit and give the Constitution a fair trial before the people. Why, gentlemen, can there be any doubt that this was the duty of patriotism? Who disputes the right of any man to agitate on the subject? Why, yonder I can imagine there lives an honorable husband and an honorable wife—one a high-toned Presbyterian, as blue as possible, (laughter,) and the other a high Churchman. Don't you think each would have a perfect right to discuss the principles and peculiarities of their different creeds and modes of worship? Who denies it? To speak on religious subjects is a sacred right. If the wife thinks the only way to get to heaven is through a church that has a bishop, and gets into a dispute with her husband every morning at the breakfast table, how long do you think the union would be worth preserving? (Vociferous laughter and cheers.) You will not be slow to make the application.

In 1850 occurred the longest session of Congress that ever was held. Speech after speech was made by northern men against southern men, and by southern men against northern men. These speeches were printed, sent home and read, and they influenced the South against the North and the North against the South, for month after month, far more than the people were influenced during the discussions of the convention that framed the Constitution. Any one looking on, as I was a year ago in Washington, at the bad feeling kept alive by incessant irritation, would have thought the Union on the very verge of dissolution. How can you dissolve the Union? If Congress breaks up in a passion and public business is stopped by passion, the nation is dissolved; the machinery has stopped; it won't work—then there is an end of it.

What was done? In Congress there were some old men—some able men of all sides and of all political parties—and they conferred together; they said, come, let us compromise this difference, this talking—this incessant irritation; let us labor in season and out of season, and let us not cease till we quiet the

troubled sea, and harmony and brotherly feeling are restored. With the utmost difficulty the disturbing questions were settled by a series of measures not satisfactory to all. Washington tells us there were some things in the Constitution which were not settled to his satisfaction. I will not discuss the question, which gained the most by the compromise, the north or the south; you can discuss that as well as I; but if freedom did not gain most, I know nothing about it. Now what ought we to do? Shall we have the fight over again? Ah! but says my friend in one corner of this crowd, do you deny my right to aid in the alteration of this law that I don't approve of? Do you deny my right to discuss the subject? God forbid that I should deny your right to do this, but I say, as a prudent, patriotic American—be still; say nothing now; let it work, and let us see what the practical operation of the law is, before we begin to agitate. In other words, I say to you, what has been said by authority of the administration, which I now repeat to you, for it contains as much patriotism and good sense as any thing ever said by the Father of his country:

“The President's message, at the opening of the present session of Congress, expresses fully and plainly his own and the unanimous opinion of all those associated with him in the Executive administration of the Government, in regard to what are called the Adjustment or Compromise measures of last session. That opinion is, that those measures should be regarded in principle as a final settlement of the dangerous and exciting subjects which they embrace; that though they were not free from imperfections, yet, in their mutual dependence and connection, they formed a system of compromise the most conciliatory and best for the entire country that could be obtained from conflicting sectional interests and opinions, and that therefore they should be adhered to, until time and experience should demonstrate the necessity of further legislation to guard against evasion or abuse. That opinion, so far as I know, remains entirely unchanged, and will be acted upon steadily and decisively. The peace of the country requires this; the security of the Constitution requires this; and every consideration of the public good demands this. If the Administration cannot stand upon the principles of the message, it does not expect to stand at all.”—[DANIEL WEBSTER'S *Letter to the Union Meeting at Westchester*.

Now, my friends, that was in point. It came out on the side not of the Whig party or of the Democratic party; but it came out on an exigency that arose after the Presidential Election. It is the language of patriotism, and I ask you here to-day, if

there is a man that now hears me, or in Connecticut, that can gainsay the wisdom or patriotism of this advice? I say to you, and utterly disclaim, that any one denies the rights of petition and discussion; but thousands and tens of thousands say, it is patriotic sometimes to withhold the exercise even of our unquestioned rights. [Here a man on the upper step of the platform handed the orator a small piece of manuscript to read. Mr. K. said to him, these people (pointing to the large audience) must be attended to first. I go for the good of the many. (Laughter and cheers.)]

There is one other topic which, though I fear you are a little tired—(cries of “not yet, sir, go on”)—I have a little delicacy about—it is not entirely new—upon which I will take the liberty of addressing you. I say I approach it with delicacy—because among good men there are conflicting opinions; I know that among good men there are; but it seems to me that if we could explain ourselves, there ought to be no difference of opinion.

I read, a few days ago, the proceedings of a convention of divines, held in a neighboring city, (Bridgeport,) a convention of Congregational ministers. Now, I say here, with my deepest conviction of its truth, that there is no body of men for whom I entertain higher respect than I do for the New England clergy. I know, and God forbid that I, or my children, should ever forget that these New England clergymen, in the time of trial and difficulty, came up to sustain the people in defending the cause of liberty; (cheers,) and I am prepared to say that without them—without their assistance—the cause would never have been triumphant. I confess, that if upon any great question of public morals I should find my opinions differing from the opinions of the New England clergy, I should examine and reëxamine those opinions with a doubt whether I could be right if opposed to them. I am not of the persuasion or denomination that assembled at Bridgeport the other day, yet I confess that their principles upon great fundamental points are right; and I shall be happy if their heaven shall be my heaven.

Now, my friends, with these preliminary remarks I shall approach the subject. The Constitution declares—“No person



held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due." Now, before I proceed to a discussion of this point, will you allow me to state—what may be a repetition of what you have heard before—the circumstances under which this provision was inserted in the Constitution? Almost every State in this Union recognized, practically, as well as theoretically, the institution of slavery at that time. Connecticut had slaves; New York had slaves; I believe every State had them, unless it was Massachusetts, and I think she had some. There are men old enough here to remember it; I am not the oldest man present, and I remember it. Nothing was more common than for slaves to run away on a frolick or otherwise. One hundred men could be found here now who can remember cases of slaves going from here to Hartford, or to Middletown, or to New London. Did anybody dispute the right of their masters at any time to go and bring them back? Is there a man here, a divine or layman, that will say a master could not go to Middletown and bring back his slaves? Was there any man in Middletown to dispute his right? Would the people of Middletown not have said—"Here is your slave; he came here last night to see Sally, (laughter,) and shall go back again." I have cases in my mind that occurred in New York, in Saratoga county, where I then lived, from which slaves escaped to Rensselaer, Albany or Columbia counties. This, I say, in 1787 was a perfectly familiar occurrence. Its propriety was disputed by no man, clergyman or layman. I have not heard that even Quakers disputed it; if there were any exceptions, they were Quakers.

That was the state of things at the time of the adoption of the Constitution. All that the Constitution meant to say was, that if a slave run away from Virginia to Connecticut, the owner in Virginia would have the same right to bring him back that the owner in New Haven would have had, at the time of the adoption of the Constitution, to bring back his slave which had escaped to Hartford in the same State. The resident of

any one County, in any State, had a conceded right to bring back his slave from another County in the same State. This same right was, by the Constitution, guarantied to the owner of a slave in one State, whose slave had escaped to another State. For the purpose of reclaiming fugitive slaves, the whole country was one country, and the different States were like the County divisions in a separate State.

Long before the adoption of the Federal Constitution, it is stated upon the best authority, the colonies of New England had a law which provided for giving up fugitive slaves or servants escaping from one colony to another colony. Did not the Puritan fathers come here imbued with the knowledge, as well as the love, of human liberty? I would ask, if I may take the liberty to do so, with all respect, the Rev. Mr. Dutton to consider these things. With the greatest kindness I would say to him, and others of his profession, come, let us reason together. It is not worth while to be excited, or angry. No doubt every man's conscience must be his own guide, but he should endeavor to enlighten it by all the means in his power. Let no man talk about his conscience, until he has applied his understanding to the subject and tried to ascertain the right. (Cheers.) This is not so easily done in the complicated relations of society; questions relating to right and duty, as citizens of a State, are not always, or often, decided by impulse; we are bound, in the investigation of these questions, to task our reasoning powers, to acquire much and varied knowledge, and exercise the understandings that God has given us.

Now in the convention that formed the Constitution, thirteen independent State sovereignties were represented. These States were, for all the purposes of the argument, so many communities, each entitled to make laws for its own government. By the law of nations, neither of these States could interfere with the laws or regulations for the government of any other State. This independence of States or nations is best for the whole family of mankind. This principle lies at the foundation of all progress, all improvement. Each independent State is a member of the family of nations. One member of this family

may have made more progress in intellectual, moral, and social improvement, than another; but that does not authorize it to prescribe rules of action to its inferior. I am the head of a family, and it is a pretty numerous one; the professors in the College situated on this green may know better how to manage my family than I do, but I shall not, nevertheless, surrender my control of it to any of them. It is my family, and, in the order of Providence, it is my right and duty to govern it; the responsibility devolves on me, and that order is best, upon the whole, for the human race.

By the law of nations, each one of the sovereign States was authorized to maintain, so long as it chose to maintain, the institution of domestic slavery. This institution existed in each of the States, and it had long existed. By the same law of nations, each of these sovereign States was authorized to carry on the African slave trade. These were rights which appertained to State sovereignty, and which could not rightfully be abolished, altered, or abridged, except by the action of the State itself. Although this is a recognized principle, yet it may be well to fortify it by authority. Chief Justice Shaw, in declaring the unanimous opinion of the Supreme Judicial Court of Massachusetts, in *Simm's case*, says:—

“It is too clear and manifest to require proof, that independently of the qualified alliance, created by the articles of confederation, which it is conceded contained no stipulation on the subject of fugitive slaves, the several States would have been sovereign and independent, invested with all the rights and powers, which are regarded by the received laws of nations, as incident to sovereignty. Amongst these, is the absolute right of each State to regulate by its laws the conduct, state and condition of all persons and things within its limits; to prohibit the entrance of all persons, and the introduction of all things, according to its own views of its own policy and best good. And each is under a corresponding obligation of respecting the territorial rights of others, and of so regulating the conduct of all persons within its own territory, as to prohibit them from committing acts of violence or wrong on the territory of others, and prevent them from becoming the asylum for persons or things injurious to another. Each would have been entitled to defend its own rights, and to enforce the performance of these duties from others, by war, and, of course, to qualify and regulate the use and enjoyment of them, by treaties of peace, and other mutual compacts. Assuming this to be an outline of the rights and duties of sovereign States towards each other, stated in the briefest and most general terms, it becomes necessary to inquire what would have been their condition in respect to slaves and slavery, supposing that slavery was sanctioned and upheld

by the laws of some, and abolished and prohibited by the laws of others. In doing this, it will be necessary to do little more than cite the case of *Commonwealth v. Aves*, 18 Pick. 193, and the laws there cited and commented on.

“By the received laws of nations it seems to be well established that however odious we may consider slavery and the slave trade, however abhorrent to the dictates of humanity and the plainest principles of justice and natural right, yet each nation has a right, in this respect, to judge for itself, and to allow or prohibit slavery by its own laws, at its own will; and that whenever slavery is thus established by positive law within the limits of such State, all other nations and people are bound to respect it, and cannot rightfully interfere, either by forcibly seizing or artfully enticing away slaves, within the limits of the territory of the nation establishing it, or on the high seas, which are the common highway of nations. In the case cited, the language of this Court is this: In considering the law of nations, we may assume that the law of this State is analogous to the law of England in this respect, that while slavery is considered as unlawful and inadmissible in both, because contrary to natural right and the laws designed for the security of personal liberty, yet, in both the existence of slavery *in other countries* is recognized, and the claims of foreigners growing out of that condition are to a certain extent respected.”

Now in the Convention it was suggested that with a view of abolishing the slave trade, each State should, by the Constitution, surrender to the general government the power which it had to carry on this trade. It was well known that Congress would abolish the trade, if it had the power, under the Constitution, to do so. South Carolina and Georgia, and, it is believed, one other Southern State, refused to grant this power. They said they would not agree to come into the Union if this cession was insisted upon. The controversy was sharp and excited, and, at length, it was agreed that Congress should have the power after the year 1808. This power was exercised as early as it could be by Congress, and the African slave trade has therefore been abolished in this country for more than forty years. Here then humanity has made a great gain by a surrender of one of the sovereign rights of the States. Georgia and South Carolina made this surrender, contrary, as they asserted, to their own interest.

In the discussion in the Convention, Mr. OLIVER ELLSWORTH, a delegate from this State, afterward Chief Justice of the United States, said:

“Let every State import what it pleases. The morality or wisdom of Slavery are considerations belonging to the States themselves. What enriches a part, enriches the whole, and the States are the best judges of their particular interest. The

old confederation had not meddled with this point ; and he did not see any great necessity for bringing it within the policy of the new one."—*Madison papers*, Vol. 3, p. 1389.

Mr. ROGER SHERMAN, another name not unknown to Connecticut, or the world, also said :

"He was for leaving the clause as it stands. He disapproved of the slave trade ; yet as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, and as it was expedient to have as few objections as possible to the proposed scheme of government, he thought it best to leave the matter as we find it."—*Ibid*, 1390.

On the other hand, each State had the sovereign right to declare every African, or the descendant of an African, within its limits, free, whether he resided there, was brought there, or escaped from another State, and fled there. Each of these States gave up its right to declare a fugitive from another State free, but agreed to give him up to his owner, on the claim of that owner. Now suppose that the power to carry on the African Slave trade was surrendered by the South, in consideration that the power to give freedom to a fugitive slave should be surrendered by the North, was not this agreement for a mutual surrender of powers, a fair subject for a treaty—could not such a treaty be lawfully made between sovereign States ? If made, was it "a nefarious bargain," or was it not rather a bargain in which humanity clearly gained an advantage ? Certainly it was. Provision was made for a termination in these States of the African slave trade, and thereby a result, over which humanity rejoices, has been achieved. The traffic in slaves has not only been abolished here, but the influence of the Republic has been exerted, and not without success, to abolish it throughout the world. Suppose there had been no Constitution formed and the States had remained sovereign, and a treaty had been negotiated between Maryland and Virginia, in which it was stipulated on the part of Virginia to relinquish the slave trade, in consideration that Maryland should exclude from its territory all runaway slaves from Virginia. This, certainly, would be a treaty which the States would have an undoubted right to make, and which would be dictated by humanity.

Considering the provision of the Constitution, to deliver up



fugitive slaves, in the nature of a treaty, it is a treaty of the most solemn obligation, for it has been ratified by the whole people. Who then has a right to affirm that the provision is contrary to the laws of nature, of nations, or of God? The fact is far otherwise.

The surrender of Sovereign powers by individual States was, as we have seen, dictated by the highest principle of humanity—its operation has been greatly beneficial to the cause of humanity. This arrangement is one of which it may be reverently affirmed, that the RULER of the Universe approved; for by a concession, unexceptionable itself, that traffic, which was a disgrace to Christendom, has been terminated in these United States.

Now if the stipulation to deliver up fugitives from service was one which the States had a right to make, and not only so, was wise and humane in itself, it is certainly binding upon the States respectively, and if binding upon the States, it must be binding upon every citizen of the State. This follows of necessity—what enlightened conscience then, can prompt disobedience to this provision of the Constitution? That enactment which God approved, His children will obey—not only obey, but see that it is fulfilled. Their conscience will compel obedience.

I have said that the provision referred to, is in the nature of a treaty? What are the obligations of a treaty? We have some little information on this point in that Book, with the contents of which, to their honor be it spoken, the people of Connecticut are familiar. In the days of JOSHUA, the great general of the Israelites, a treaty was made between this people and the Gibeonites. The latter, fearful that their utter destruction was near at hand, came to Joshua and told him that they came from a far country—that when they set out from their homes, their shoes, now worn out, were new, and their bread, now mouldy, was fresh from the oven, and they desired to enter into a league with him. “And Joshua made peace with them, and made a league with them to let them live: and the prince of the congregation sware unto them. And it came to pass at the end of three days, after they

had made a league with them, that they heard that they were their neighbors, and that they dwelt among them. And the children of Israel journeyed, and came into their cities on the third day. And the children of Israel smote them not, because the princes of the congregation had sworn unto them by the Lord God of Israel. And all the congregation murmured against the princes. But all the princes said unto all the congregation, we have sworn unto them, now therefore we may not touch them." But Israel made them bondsmen, hewers of wood and drawers of water, but he spared their lives. Now it happened several hundred years after this transaction, in the days of DAVID, King of Israel, that there was a sore famine in the land of Israel, and David inquired of the Lord what it meant. "And the Lord answered him, it is for Saul, and for his bloody house, *because he slew the Gibeonites*. And the king called the Gibeonites, and said unto them: (now the Gibeonites were not of the children of Israel, but of the remnant of the Amorites; and the children of Israel had sworn unto them: and Saul sought to slay them, in his zeal to the children of Israel and Judah.) "Wherefore David said unto the Gibeonites: What shall I do for you? and wherewith shall I make the atonement, that ye may bless the inheritancy of the Lord? And the Gibeonites said unto him, we will have no silver nor gold of Saul, nor of his house; neither for us shalt thou kill any man in Israel. And he said, what ye shall say, that will I do for you. And they answered the king, the man that consumed us, and that devised against us, that we should be destroyed from remaining in any of the coasts of Israel, let seven men of his sons be delivered unto us, and we will hang them unto the Lord in Gibeah of Saul, whom the Lord did choose. And the King said, I will give them."

Here is a most instructive passage of inspired history, on the solemn obligations of a treaty, made by the princes of the people, but in the case under consideration, the treaty was made by the princes of the people, and afterwards deliberately and solemnly considered and ratified by the people themselves. Shall "the people murmur" and say that their consciences will not allow them to keep the solemn compact?

Nothing has been said, you will observe, fellow citizens, about any other provisions in the Constitution, except those which relate to the slavery of the African race. I might speak of others, such as advantages conceded to our coasting trade and foreign commerce. I have chosen to regard the cession of State sovereignty by means of which the slave trade was abolished, as a consideration for a like cession by which a fugitive slave could not be emancipated, but must be given up. There were doubtless other considerations entering into the compact; indeed, the perfect propriety of giving up fugitive slaves was never for a moment disputed either in the General Convention or in the State Conventions, so far as I know.

The people of the United States, in providing for the delivering up of fugitive slaves, did not suppose that the States regarded each other as foreign, much less hostile, but they were sister republics, united together for general purposes under one federal head.

Great efforts have been made to excite prejudice against the fugitive slave law. It has been represented that every man may be compelled, under this law, to pursue and apprehend a runaway slave. It is true that every man in the community may be required to assist in the execution of the law, if the officers appointed to execute it are interfered with in the discharge of their duty. This is a fundamental principle of our law. Every executive officer of the law, in the discharge of his duties, acts as the agent of the people: the PEOPLE COMMAND him. If he is obstructed—opposed by force—it is right that they who command him should come to his assistance, for every precept of the law, whether to attach property or to arrest a citizen, in a civil or a criminal proceeding, MUST BE EXECUTED. This is essential to the very existence of civil society. Although this principle has been always incorporated in the law of Connecticut, and of every other State, yet probably there is not a man who hears me, who has ever actually been called upon in his private capacity to give his personal aid to the execution of a law. Means the most unfair have been resorted to, to render this law odious, and to prevent its execution. Is this right, gentlemen? Will you allow it? Every good citizen



is bound to see this and every other law of the land fairly executed. What apology has any citizen of this country for a disobedience of law? Here laws are enacted by the people themselves; they are the expressed will of a majority of the community. Indeed, everybody admits that the law must be supreme; even the opponents of the fugitive slave law acknowledge their obligation to submit to law, but some of them have discovered a "higher law," not written in the Constitution or the Statute book. Well, prove the existence of higher law, by fair argument, and I doubt not the law of the land will be made to conform to it. Its existence, I think, is far from being proved in the present case.

Now, fellow citizens, shall it be charged that, because we advance these doctrines, and employ these arguments, we are the friends of slavery, or the slave trade? Certainly not. Connecticut and New York abolished slavery as soon as they could, in moderation, and with a view to their own interest, and the interest of the slave. But we have no right to interfere with slavery in South Carolina and Georgia, any more than we have to interfere with it in the Spanish dominions. If we were residents of those States, the case would be different; then we should have a right to act according to our sense of propriety, under all the circumstances. Indeed, I am of the opinion expressed by a distinguished Jurist in Massachusetts, (Mr. Choate,) that we have less right to interfere with the institution of domestic slavery, where it is established in our sister States, than we have to interfere with it in a foreign country. For among ourselves, we are not only under an obligation to let each State manage this institution in its own way, and according to its own sense of right, but impliedly such control must be without being subject to irritating and exasperating annoyances from the inhabitants of sister States.

My friends, the people of these United States have entered into a compact; the whole bargain was made together, and its obligation is of the most binding character. It has done more to advance the happiness of man than any other that was ever made. It has done more for the comfort and elevation of the people than any form of government that ever existed before.

All this is to be undone because there are men so much wiser than Washington, and Franklin, and Hamilton, and Madison, and Roger Sherman, and Oliver Ellsworth, that they have found out that the Constitution of the United States is against the law of God, and must not be enforced. Do you believe it? (Cries of "no," "no.")

No enlightened conscience can view this subject on a great scale—on a scale commensurate with the affairs of mankind—and come to the conclusion, that any part of the Constitution of the United States imposes obligations which honest men cannot perform. There is, my friends, a great deal of dust cast upon this subject—a great deal of extraneous matter brought in, and, among others, is this: "Am I going," says one, "to be a slave catcher, do you think? Can any law of the land make me a slave catcher?" I might as well say—"do you think any law of the land can make me take my neighbor's cattle, or his household goods, or his person for a debt due another neighbor?" Why, I should say, "please excuse me;" yet still an exigency might exist, as we have before seen, which would render my services necessary in executing the precept of the law.

Fellow Citizens—It is important that we discriminate justly and wisely, betwixt our rights and correlative duties as members of the separate States, and our rights and duties as members of the United States. As citizens of a State, we may legislate for our social, intellectual, and moral improvement; as citizens of the United States, we are confined to limits prescribed by the Constitution, which we ought by no means to transgress. Among the powers which the people of a State may exercise, is that of the abolition of slavery; many States have exercised this power, and if, by this act, they have increased their own prosperity, multiplied their population, built up cities and villages, established and maintained common schools and higher institutions of learning, their example cannot fail to have a salutary influence upon sister States in which slavery yet exists; but beyond the exercise of this influence, no State has a right to go. There can be no employment of force, no resort to stratagems, no open or secret assaults, to abolish slavery in another State. Independent States are naturally

jealous of any foreign interference with their domestic institutions ; example may lead them, but force cannot drive them.

What are called the free States have emancipated by law, but there has been also a great amount of emancipation in what are called the slave States. It has been stated on the authority of a learned Presbyterian divine, that the value of the slaves emancipated in those States by private persons, influenced solely by a sense of duty, exceeds in amount the whole sum paid by the British Government to purchase the freedom of all the slaves in her West India Islands.

I fear I have been too tedious, (cries of "not at all," "go on.") I thought I would converse with you freely, and tell the whole story. I have not come to dictate to anybody ; I came to reason with you, and will conclude by asking—Can we do any thing better than to sustain, in all its provisions, the Constitution of the Government under which we live? (Cries of "no.") Who can point out any thing, which has worked or will work better ? Shall we try the experiment of dissolution ? Where will it land us ? I believe that if we were to dissolve the Union to-day, the revolution itself would cease to be a blessing. I doubt whether it would be better for mankind that it ever occurred. I know that the glory of Washington, and of all the great men who fought the battles of liberty, and were engaged in constructing this government, would perish from off the earth. It would be all gone, and all worse than nothing for the great cause of liberty and mankind.

If this be so, how shall we preserve this Constitution ? Why, we must preserve it in one way only, and that is the way recommended over and over again, in the extracts I have read to you from the writings of the Father of his country, and which you will find multiplied abundantly, if you will look into his letters. Cultivate kindly feelings ; treat Southern and Western men as fellow citizens and brethren. Do not revive the feeling over which Washington lamented, and which came near to preventing the formation of the Constitution. How can we expect this government to succeed, if we do not repress those feelings of jealousy and irritation, which belong only to hostile nations ?

True, we have slavery here ; we have three millions of slaves in the country. Who does not deplore its existence ? We of this generation are not responsible for bringing these slaves here. One of the causes of complaint in the Instrument you have heard read to-day, is, that they were brought here by a tyrannical government without our consent. But here they are, here they are—and what shall we do with them ? If they should receive a fiat to-day—“be free, and take care of yourselves”—what would be the consequence ? In my judgment, their utter ruin, and eventually, their extinction. They are here, and what is their condition ? Better, far better, than any three millions of their race and nation in the world. Shall we on their account destroy this united government ? Will they gain any thing by it ? Will the white population gain by it ?

Let us discharge our duty as American citizens, and no doubt ours is the country which is to redeem Europe, Asia, and Africa too.

(The orator took his seat and three tremendous cheers were given him, and three others for the Constitution and the Union.)

















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